IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.2607 OF 2004

Shri. Vasudeo B. Kalro ...Applicant
Vs.
Nirav Enterprises & Ors. ...Respondents

Shri. Chandrashekharan V.V. i/by Smt. Kalyani G. Parmar for the Applicant.
Mr Niranjan Mundargi for the Respondent Nos.1 and 2.
Ms M.H. Mhatre, A.P.P. for the Respondent No.3-State.

CORAM : A. S. OKA, J.
DATE : AUGUST 23, 2005.

P.C.:

1. Heard the Advocates appearing for the parties. The grievance in this Application is that the Respondent Nos.1 and 2 have committed wilful breach of undertaking given to this Court. The case is that the Respondent Nos. 1 and 2 have not complied with the conditions incorporated in the consent terms on the basis of which the order dated 20th March, 2003 was passed by this Court in the Revision Application No.415 of 2000.

2. The grievance of the Applicant is that the default committed by the Respondent Nos.1 and 2 is to the extent of Rs.72,000/-. On 16th August, 2005 the Advocate for the Respondent No.2 handed over two Demand Drafts drawn in favour of the Applicant in the sum of Rs.36,000/- each to the Advocate for the Applicant. Order dated 16th August, 2005 record that a sum of Rs.5,000/- is also paid by the Respondent

No.2 to the Advocate for the Appliant by way of costs. The Advocate for the Applicant states that the Demand Drafts have been encashed. In view of this position, it is obvious that there is substantial compliance made by the Respondent Nos.1 and 2 with the undertaking recorded in the consent terms. Moreover, the Applicant has been compensated for the delay by payment of costs.

3. In view of this position, this Application is not entertained and the same is rejected.

JUDGE